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595 MINER ROAD
CLEVELAND, OH 44143

EXAMINER
DAZENSKI, MARC A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 October 2008_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,5-12 and 16-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,5-12 and 16-25_ is/are rejected.

7)☒ Claim(s) _23_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _28 October 2008_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Drawings

The drawings were received on 10-28-2008. These drawings are acceptable.

Allowable Subject Matter

The indicated allowability of **claims 4, 7, 10, 15, 19, and 22** are withdrawn in view of the newly discovered reference(s) to Ohno (US Patent 7,142,777) and Gorbatov et al (US Patent 6,792,617). Rejections based on the newly cited reference(s) follow.

Claim Objections

Claim 23 is objected to because of the following informalities: line 9 of the claim refers to "the video recorder," but there is insufficient antecedent basis for this in the claim. The examiner recommends amending this to read "a video recorder." Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5-12, and 16-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ohno (US Patent 7,142,777), hereinafter referred to as Ohno, in view

of Gorbatov et al (US Patent 6,792,617), hereinafter referred to as Gorbatov.

Regarding **claim 1**, Ohno discloses a recording and reproducing apparatus and

method generating recording location table for plurality of programs received in

multiplexed data train. In addition, Ohno discloses an apparatus for receiving digital TV

broadcasting signals and recording and reproducing them, which reads on the claimed,

"an apparatus for recording a selected program," as disclosed at column 3, lines 21-22;

the apparatus comprising:

an operation unit tuned to a program, which reads on the claimed, "a means for

selecting the selected program," as disclosed at column 4, lines 51-52;

a tuner which receives a digital TV signal in accordance with an instruction

supplied via a control line, which reads on the claimed, "a means for receiving a data

stream, a start data packet, and an end data packet associated with the selected

program," as disclosed at column 4, lines 49-51; and,

a demultiplexer that divides only the TS packet data having the designated PID

supplied from a system control unit via a control line, which reads on the claimed, "a

means for detecting the start data packet associated with the selected program and the

end data packet associated with the selected program," as disclosed at column 4, lines

59-61; and,

digital TV signals of video data, audio data, and other data that are transmitted

and received in the form of a transport stream, the transport stream containing multiple

programs and Program Specific Information ("PSI") which includes Program Allocation

Table ("PAT") and Program Mapping Table ("PMT") that are used to identify the

contents of the data and program selection, which reads on the claimed, "wherein the

data stream includes one or more programs and a private stream, each program being

represented by content data packets in the data stream, the private stream including the

start data packet and the end data packet associated with the selected program and a

start data packet and an end data packet associated with each additional program," as

disclosed at column 3, lines 36-54, and exhibited in figures 2A-2D.

Ohno fails to disclose, however, a means for recording the selected program, the

recording being initiated in response to the detection of the start data packet associated

with the selected program and terminated in response to the detection of the end data

packet associated with the selected program. However, the examiner maintains that it

was well known in the art to include a means for recording the selected program, the

recording being initiated in response to the detection of the start data packet associated

with the selected program and terminated in response to the detection of the end data

packet associated with the selected program, as taught by Gorbatov.

In a similar field of endeavor, Gorbatov discloses a method and apparatus for

selective recording of television programs using event notifications. In addition,

Gorbatov discloses a set top box that causes the recorder to tune to the channel and

start recording the program segment when an event notification is received indicating

the starting of a program segment selected by a viewer on a channel, and then causing

the recorder to stop recording the program segment broadcast on the channel when an

even notification is received indicating the ending of the program segment, which reads

on the claimed, "a means for recording the selected program, the recording being

initiated in response to the detection of the start data packet associated with the

selected program and terminated in response to the detection of the end data packet

associated with the selected program," as disclosed at column 5, lines 17-27.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the recording and reproducing apparatus and

method generating recording location table for plurality of programs received in

multiplexed data train of Ohno to specifically include a set top box that causes the

recorder to tune to the channel and start recording the program segment when an event

notification is received indicating the starting of a program segment selected by a viewer

on a channel, and then causing the recorder to stop recording the program segment

broadcast on the channel when an even notification is received indicating the ending of

the program segment, as taught by Gorbatov, for the purpose of facilitating automatic

recording of a TV program based on occurrence of an event rather than broadcast time.

Ohno, however, fails to disclose the associated start data packet precedes the

associated content data packets in the data stream for each program and the

associated end data packet follows the associated content data packets in the data

stream for each program. However, the examiner maintains that it was well known in

the art to include the associated start data packet precedes the associated content data

packets in the data stream for each program and the associated end data packet

follows the associated content data packets in the data stream for each program, as taught by Gorbatov.

Gorbatov discloses a set top box that causes the recorder to tune to the channel and start recording the program segment when an event notification is received indicating the starting of a program segment selected by a viewer on a channel, and then causing the recorder to stop recording the program segment broadcast on the channel when an even notification is received indicating the ending of the program segment, which reads on the claimed, "wherein the associated start data packet precedes the associated content data packets in the data stream for each program and the associated end data packet follows the associated content data packets in the data stream for each program," as disclosed at column 5, lines 17-27 and 47-49.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording and reproducing apparatus and method generating recording location table for plurality of programs received in multiplexed data train of Ohno to include a set top box that causes the recorder to tune to the channel and start recording the program segment when an event notification is received indicating the starting of a program segment selected by a viewer on a channel, and then causing the recorder to stop recording the program segment broadcast on the channel when an even notification is received indicating the ending of the program segment, as taught by Gorbatov, for the purpose of facilitating automatic recording of a TV program based on occurrence of an event rather than broadcast time.

Ohno, however, fails to disclose the end data packet of a preceding program and the start data packet associated with a following program are combined in a common data packet. The examiner maintains it was well known in the art to include the end data packet of a preceding program and the start data packet associated with a following program are combined in a common data packet, as taught by Gorbatov.

Gorbatov discloses ATVEF triggers representing event notifications may be communicated in data packets through the internet to a computer system (30) communicatively coupled to the set top box, the event notifications including "start" and "stop" commands, which reads on the claimed, " the end data packet of a preceding program and the start data packet associated with a following program are combined in a common data packet," as disclosed at column 5, lines 46-48 and column 8, lines 10-27 (wherein, the "action=start" command for "New Channel 8" and the "action=stop" command for "ABC Monday Night Football" are contained within the entire data packet disclosed in column 8, lines 10-27, and further wherein column 7, line 50 through column 8, line 5 discloses multiple event notifications and their corresponding "action=" commands may be contained within the same packet).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ohno to specifically include ATVEF triggers representing event notifications may be communicated in data packets through the internet to a computer system (30) communicatively coupled to the set top box, the event notifications including "start" and "stop" commands, as taught by Gorbatov, for the purpose of facilitating automatic recording of a TV program based on occurrence of an event rather than broadcast time.

Regarding **claim 5**, the combination discloses everything claimed as applied

above (see claim 1). Further, the limitations of the claim are rejected in view of the

explanation set forth in claim 1 above.

Regarding **claim 6**, the combination discloses everything claimed as applied

above (see claim 1). Further, the limitations of the claim are rejected in view of the

explanation set forth in claim 1 above.

Regarding **claim 7**, the combination discloses everything claimed as applied

above (see claim 1). Further, the limitations of the claim are rejected in view of the

explanation set forth in claim 1 above.

Regarding **claim 8,** the combination discloses everything claimed as applied

above (see claim 1). In addition, Ohno discloses PSI that includes PAT, PMT, and

Packet Identification ("PID") by which the contents of data can be identified, which reads

on the claimed, "wherein the start data packet and the end data packet include

information that identifies the selected program," as disclosed at column 3, lines 51-57.

Regarding **claim 9**, the combination discloses everything claimed as applied

above (see claim 1). In addition, Ohno discloses digital TV signals of video data, audio

data, and other data that are transmitted and received in the form of a transport stream,

the transport stream containing multiple programs and Program Specific Information

("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table

("PMT") that are used to identify the contents of the data and program selection, which

reads on the claimed, "wherein the data stream includes multiple programs, each

program being associated with a sub-channel, the start data packet and the end data

packet including information that identifies the selected program and the sub-channel associated with the selected program," as disclosed at column 3, lines 36-60, and exhibited in figures 2A and 3.

Regarding **claim 10**, the combination discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 11**, the combination discloses everything claimed as applied above (see claim 1). In addition, Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs, which reads on the claimed, "wherein the data stream is a digital data stream and includes one or more programs, each program in the data stream being represented by digital content data packets," as disclosed at column 3, lines 25-41, and an apparatus for receiving digital TV broadcasting signals and recording and reproducing them, which reads on the claimed, "and the means for recording the selected program including a digital recorder to record the digital content data packets," as disclosed at column 3, lines 21-22.

Regarding **claim 12,** Ohno discloses a recording and reproducing apparatus and method generating recording location table for plurality of programs received in multiplexed data train. In addition, Ohno discloses the operation of recording received TS packet data, which reads on the claimed, "a method for recording a selected programming with a video recorder," as disclosed at column 5, line 25; the method comprising:

receiving a digital TV signal in accordance with an instruction supplied via a control line to output TS data including the program tuned by an operation unit, which reads on the claimed "a.) receiving a data stream associated with the selected programming," as disclosed at column 4, lines 49-51. Ohno fails to disclose, however, steps b) through f). However, the examiner maintains that it was well known in the art to include steps b) through f), as taught by Gorbatov.

In a similar field of endeavor, Gorbatov discloses a method and apparatus for selective recording of television programs using event notifications. In addition, Gorbatov discloses a set top box that causes the recorder to tune to the channel and start recording the program segment when an event notification is received indicating the starting of a program segment selected by a viewer on a channel, and then causing the recorder to stop recording the program segment broadcast on the channel when an even notification is received indicating the ending of the program segment, which reads on the claimed, "b) receiving and detecting a start data packet associated with the selected programming; c) starting the recording with the. video recorder in response to the detection of the start data packet; d) receiving and recording the selected programming; e) receiving and detecting an end data packet associated with the selected programming; and f) stopping the recording of the selected programming in response to the detecting of the end data packet," as disclosed at column 5, lines 17-26.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording and reproducing apparatus and method generating recording location table for plurality of programs received in multiplexed data

train of Ohno to include steps b) through f), as taught by Gorbatov, for the purpose of

facilitating automatic recording of a TV program based on occurrence of an event rather

than broadcast time.

Further, Ohno discloses digital TV signals of video data, audio data, and other

data that are transmitted and received in the form of a transport stream, the transport

stream containing multiple programs and Program Specific Information ("PSI") which

includes Program Allocation Table ("PAT") and Program Mapping Table ("PMT") that

are used to identify the contents of the data and program selection, which reads on the

claimed, "g) combining one or more programs and a private stream to produce the data

stream, each program being represented by content data packets in the data stream,

the private stream including a start data packet and an end data packet associated with

each program," as disclosed at column 3, lines 36-54, and exhibited in figures 2A-2D.

Ohno, however, fails to disclose the step of providing the data stream to a consumer

environment having the video recorder. However, the examiner maintains that it was

well known in the art to include the step of providing the data stream to a consumer

environment having the video recorder, as taught by Gorbatov.

Gorbatov discloses broadcast head-end (18) broadcasts the DTV signal to the

set top box (12) over the broadcast network (14), which reads on the claimed, "providing

the data stream to a consumer environment having the video recorder," as disclosed at

column 3, lines 40-41.

Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the recording and reproducing apparatus and method

generating recording location table for plurality of programs received in multiplexed data train of Ohno to include the step of broadcast head-end broadcasts the DTV signal to the set top box over the broadcast network, as taught by Gorbatov, for the purpose of delivering enhanced programming over a variety of transport mechanisms to compliant receivers.

Ohno, however, fails to disclose the associated start data packet precedes the associated content data packets in the data stream for each program and the associated end data packet follows the associated content data packets in the data stream for each program. However, the examiner maintains that it was well known in the art to include the associated start data packet precedes the associated content data packets in the data stream for each program and the associated end data packet follows the associated content data packets in the data stream for each program, as taught by Gorbatov.

Gorbatov discloses a set top box that causes the recorder to tune to the channel and start recording the program segment when an event notification is received indicating the starting of a program segment selected by a viewer on a channel, and then causing the recorder to stop recording the program segment broadcast on the channel when an even notification is received indicating the ending of the program segment, which reads on the claimed, "wherein the associated start data packet precedes the associated content data packets in the data stream for each program and the associated end data packet follows the associated content data packets in the data stream for each program," as disclosed at column 5, lines 17-27 and 47-49.

Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the recording and reproducing apparatus and method

generating recording location table for plurality of programs received in multiplexed data

train of Ohno to include a set top box that causes the recorder to tune to the channel

and start recording the program segment when an event notification is received

indicating the starting of a program segment selected by a viewer on a channel, and

then causing the recorder to stop recording the program segment broadcast on the

channel when an even notification is received indicating the ending of the program

segment, as taught by Gorbatov, for the purpose of facilitating automatic recording of a

TV program based on occurrence of an event rather than broadcast time.

Ohno, however, fails to disclose each end data packet and the start data packet

associated with a succeeding program are combined in a common data packet. The

examiner maintains it was well known in the art to include each end data packet and the

start data packet associated with a succeeding program are combined in a common

data packet, as taught by Gorbatov.

Gorbatov discloses ATVEF triggers representing event notifications may be

communicated in data packets through the internet to a computer system (30)

communicatively coupled to the set top box, the event notifications including "start" and

"stop" commands, which reads on the claimed, "each end data packet and the start data

packet associated with a succeeding program are combined in a common data packet,"

as disclosed at column 5, lines 46-48 and column 8, lines 10-27 (wherein, the

"action=start" command for "New Channel 8" and the "action=stop" command for "ABC

Monday Night Football" are contained within the entire data packet disclosed in column

8, lines 10-27, and further wherein column 7, line 50 through column 8, line 5 discloses

multiple event notifications and their corresponding "action=" commands may be

contained within the same packet).

Therefore, it would have been obvious to one of ordinary skill in the art to modify

Ohno to specifically include ATVEF triggers representing event notifications may be

communicated in data packets through the internet to a computer system (30)

communicatively coupled to the set top box, the event notifications including "start" and

"stop" commands, as taught by Gorbatov, for the purpose of facilitating automatic

recording of a TV program based on occurrence of an event rather than broadcast time.

Regarding **claim 16,** the combination discloses everything claimed as applied

above (see claim 12). In addition, Ohno discloses digital TV signals of video data, audio

data, and other data that are transmitted and received in the form of a transport stream,

the transport stream containing multiple programs, which reads on the claimed,

"wherein the data stream is a digital data stream and includes one or more programs,

including the selected programming, each program in the data stream being

represented by digital content data packets," as disclosed at column 3, lines 25-41.

Regarding **claim 17,** the combination discloses everything claimed as applied

above (see claim 12). In addition, Ohno discloses digital TV signals of video data, audio

data, and other data that are transmitted and received in the form of a transport stream,

the transport stream containing multiple programs and Program Specific Information

("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table

("PMT") that are used to identify the contents of the data and program selection, which reads on the claimed, "combining one or more programs to produce the data stream, each program being represented by content data packets in the data stream; combining a start data packet and an end data packet associated with each program to produce a private stream," as disclosed at column 3, lines 36-54, and exhibited in figures 2A-2D. Ohno, however, fails to disclose the step of providing the data stream and the private stream to a consumer environment having the video recorder. However, the examiner maintains that it was well known in the art to include the step of providing the data stream and the private stream to a consumer environment having the video recorder, as taught by Gorbatov.

Gorbatov discloses broadcast head-end (18) broadcasts the DTV signal to the set top box (12) over the broadcast network (14), which reads on the claimed, "providing the data stream and the private stream to a consumer environment having the video recorder," as disclosed at column 3, lines 40-41.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording and reproducing apparatus and method generating recording location table for plurality of programs received in multiplexed data train of Ohno to include the step of broadcast head-end broadcasts the DTV signal to the set top box over the broadcast network, as taught by Gorbatov, for the purpose of delivering enhanced programming over a variety of transport mechanisms to compliant receivers.

Regarding **claim 18,** the combination discloses everything claimed as applied above (see claim 17). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

Regarding **claim 19,** the combination discloses everything claimed as applied above (see claim 18). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

Regarding **claim 20,** the combination discloses everything claimed as applied above (see claim 12). In addition, Ohno discloses PSI that includes PAT, PMT, and Packet Identification ("PID") by which the contents of data can be identified, which reads on the claimed, "wherein the start data packet and the end data packet include information that identifies the selected program," as disclosed at column 3, lines 51-57.

Regarding **claim 21,** the combination discloses everything claimed as applied above (see claim 12). In addition, Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs and Program Specific Information ("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table ("PMT") that are used to identify the contents of the data and program selection, which reads on the claimed, "wherein the data stream includes multiple programs, each program being associated with a sub-channel, the start data packet and the end data packet including information that identifies the selected program and the sub-channel associated with the selected program," as disclosed at column 3, lines 36-60, and exhibited in figures 2A and 3.

Regarding **claim 22**, the combination discloses everything claimed as applied

above (see claim 12). Further, Ohno discloses digital TV signals of video data, audio

data, and other data that are transmitted and received in the form of a transport stream,

the transport stream containing multiple programs and Program Specific Information

("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table

("PMT") that are used to identify the contents of the data and program selection, which

reads on the claimed, "wherein the data stream is associated with a first channel, the

start data packet and the end data packet are associated with a private stream and a

second channel, and the start data packet and end data packet include information that

identifies the selected program and the channel associated with the selected program,"

as disclosed at column 3, lines 36-54, and exhibited in figures 2A-2D (wherein because

the specification of the instant application states at page 7, lines 23-25: "the private

stream could be a channel or sub-channel separate from the channels and/or sub-

channels carrying the program content"; therefore, the start data packet and end data

packet of any of the programs 1-3 is associated with a second channel and therefore

also with a private stream).

Regarding **claim 23,** Ohno discloses a recording and reproducing apparatus and

method generating recording location table for plurality of programs received in

multiplexed data train. In addition, Ohno discloses digital TV signals of video data,

audio data, and other data that are transmitted and received in the form of a transport

stream, the transport stream containing multiple programs and Program Specific

Information ("PSI") which includes Program Allocation Table ("PAT") and Program

Mapping Table ("PMT") that are used to identify the contents of the data and program

selection, which reads on the claimed, "a) combining one or more programs to produce

a data stream, the one or more programs including the selected programming, each

program being represented by content data packets in the data stream; b) combining a

start data packet and an end data packet associated with each program to produce a

private stream…wherein the data stream is associated with a first channel, the start

data packet and the end data packet are associated with a private stream and a second

channel, and the start data packet and end data packet include information that

identifies the selected program and the channel associated with the selected program,"

as disclosed at column 3, lines 36-54, and exhibited in figures 2A-2D (wherein because

the specification of the instant application states at page 7, lines 23-25: "the private

stream could be a channel or sub-channel separate from the channels and/or sub-

channels carrying the program content"; therefore, the start data packet and end data

packet of any of the programs 1-3 is associated with a second channel and therefore

also with a private stream).

Ohno, however, fails to disclose the step of providing the data stream and the

private stream to a consumer environment having the video recorder. However, the

examiner maintains that it was well known in the art to include the step of providing the

data stream and the private stream to a consumer environment having the video

recorder, as taught by Gorbatov.

In a similar field of endeavor, Gorbatov discloses a method and apparatus for

selective recording of television programs using event notifications. In addition,

Gorbatov discloses broadcast head-end (18) broadcasts the DTV signal to the set top

box (12) over the broadcast network (14), which reads on the claimed, "c) providing the

data stream and the private stream to a consumer environment having the video

recorder," as disclosed at column 3, lines 40-41.

Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the recording and reproducing apparatus and method

generating recording location table for plurality of programs received in multiplexed data

train of Ohno to include the step of broadcast head-end broadcasts the DTV signal to

the set top box over the broadcast network, as taught by Gorbatov, for the purpose of

delivering enhanced programming over a variety of transport mechanisms to compliant

receivers.

Regarding **claim 24**, the combination discloses everything claimed as applied

above (see claim 23). In addition, Ohno discloses receiving a digital TV signal in

accordance with an instruction supplied via a control line to output TS data including the

program tuned by an operation unit, which reads on the claimed "receiving the data

stream associated with the selected programming," as disclosed at column 4, lines 49-

51.

Ohno fails to disclose, however, receiving and detecting the start data packet

associated with the selected programming; starting the recording with the video

recorder in response to the detection of the start data packet; receiving and recording

the selected Programming; receiving and detecting an end data packet associated with

the selected programming; and stopping the recording of the selected programming in

response to the detecting of the end data packet. However, the examiner maintains

that it was well known in the art to include these steps, as taught by Gorbatov.

In a similar field of endeavor, Gorbatov discloses a method and apparatus for

selective recording of television programs using event notifications. In addition,

Gorbatov discloses a set top box that causes the recorder to tune to the channel and

start recording the program segment when an event notification is received indicating

the starting of a program segment selected by a viewer on a channel, and then causing

the recorder to stop recording the program segment broadcast on the channel when an

even notification is received indicating the ending of the program segment, which reads

on the claimed, "receiving and detecting the start data packet associated with the

selected programming; starting the recording with the video recorder in response to the

detection of the start data packet; receiving and recording the selected Programming;

receiving and detecting an end data packet associated with the selected programming;

and stopping the recording of the selected programming in response to the detecting of

the end data packet," as disclosed at column 5, lines 17-26.

Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the recording and reproducing apparatus and method

generating recording location table for plurality of programs received in multiplexed data

train of Ohno to include a set top box that causes the recorder to tune to the channel

and start recording the program segment when an event notification is received

indicating the starting of a program segment selected by a viewer on a channel, and

then causing the recorder to stop recording the program segment broadcast on the

channel when an even notification is received indicating the ending of the program

segment, as taught by Gorbatov, for the purpose of facilitating automatic recording of a

TV program based on occurrence of an event rather than broadcast time.

Regarding **claim 25,** the combination discloses everything claimed as applied

above (see claim 23). In addition, Ohno discloses digital TV signals of video data, audio

data, and other data that are transmitted and received in the form of a transport stream,

the transport stream containing multiple programs, which reads on the claimed,

"wherein the data stream is a digital data stream and includes one or more programs,

including the selected programming, each program in the data stream being

represented by digital content data packets," as disclosed at column 3, lines 25-41.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MARC DAZENSKI whose telephone number is

(571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621
/MARC DAZENSKI/
Examiner, Art Unit 2621